
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

JOSEPH VELAZQUEZ,

Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:11-cr-0738-CW


Judge Clark Waddoups

The court has reviewed the evidence and the written and oral arguments of the parties on Defendant's motion to suppress. That review has raised questions for which further briefing is necessary. As the court understands the evidence, the Defendant was arrested before the officer observed or retrieved the firearm. It would be helpful to the court for the parties to address four additional issues: (1) What was the offense for which Defendant was arrested? (2) What was the probable cause for this arrest? (3) Does the United States contend that the officer had a basis for a *Terry* frisk of Defendant? (4) Would such a frisk have inevitably led to the discovery of the controlled substance? The government further is asked to provide a factual and legal basis for its arguments, and to also provide citations to the particular document and docket number that correspond to the evidence, as it is used in its arguments.

The United States shall file its response on or before April 9, 2012. The Defendant shall respond on or before April 23, 2012. The court finds that the Speedy Trial Act will continue to be tolled. The court will consider the motion under submission upon receipt of the Defendant's response.

DATED this 27th day of March, 2012.

BY THE COURT:


Clark Waddoups
United States District Judge